

Calendar No. 675

103D CONGRESS
2D SESSION

H. R. 1137

AN ACT

To amend the Geothermal Steam Act of 1970 (30 U.S.C. 1001–1027), and for other purposes.

SEPTEMBER 28 (legislative day, SEPTEMBER 12), 1994
Reported with an amendment and an amendment to the title

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 16 (legislative day, NOVEMBER 2), 1993

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SEPTEMBER 28 (legislative day, SEPTEMBER 12), 1994

Reported by Mr. JOHNSTON, with an amendment and an amendment to the
title

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To amend the Geothermal Steam Act of 1970 (30 U.S.C.
1001–1027), and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Old Faithful Protec-
5 tion Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) ~~FINDINGS.~~—The Congress finds that—

1 (1) Yellowstone National Park is a unique and
2 irreplaceable national and international treasure and
3 part of one of the few remaining undisturbed hydro-
4 thermal systems in the world;

5 (2) there is a risk that unrestricted ground-
6 water use or hydrothermal or geothermal resource
7 development adjacent to Yellowstone National Park
8 in the States of Montana, Wyoming, and Idaho will
9 interfere or adversely affect the hydrothermal and
10 geothermal features of such Park or the manage-
11 ment of relevant mineral resources;

12 (3) further research is needed to understand
13 the characteristics of the protected systems and fea-
14 tures and the effects of development on such sys-
15 tems and features on lands outside of Yellowstone
16 National Park but within the Yellowstone Protection
17 Area, as such area is defined in this Act;

18 (4) preservation and protection, free from in-
19 jury or impairment, of the hydrothermal system as-
20 sociated with and the features within Yellowstone
21 National Park is a benefit to the people of the
22 United States and the world;

23 (5) cooperation between the United States and
24 the States of Montana, Idaho, and Wyoming to pro-

1 tect and preserve Yellowstone National Park is de-
2 sirable; and

3 (6) as a settlement of litigation concerning
4 water rights, including the reserved water rights of
5 the United States associated with units of the Na-
6 tional Park System in Montana, the Department of
7 the Interior and the Department of Justice, on be-
8 half of the United States, and a Compact Commis-
9 sion, on behalf of the State of Montana, have devel-
10 oped a Compact that, when ratified by the State and
11 signed by the Secretary of the Interior and the At-
12 torney General of the United States, will constitute
13 such a settlement of litigation concerning matters
14 within its scope and which, in Article IV, also estab-
15 lishes a program for regulation of development and
16 use of groundwater in areas adjacent to Yellowstone
17 National Park.

18 (b) PURPOSES.—The purposes of this Act are—

19 (1) to require the Secretary to take the nec-
20 essary actions to preserve and protect the hydro-
21 thermal system associated with, and the hydro-
22 thermal and geothermal features within, Yellowstone
23 National Park from injury or impairment by protect-
24 ing the Federal reserved water rights of Yellowstone
25 National Park;

1 (2) to provide a framework for management by
2 the States of Montana, Wyoming, and Idaho of reg-
3 ulated resources outside of but significantly related
4 to Yellowstone National Park to the extent such
5 States implement appropriate approved programs for
6 such management that are adequate to preserve and
7 protect, free from injury or impairment, the pro-
8 tected systems and features;

9 (3) to authorize, as provided in section 8, ap-
10 proval of Article IV of the Compact as such an ap-
11 propriate State program; and

12 (4) to require relevant research.

13 **SEC. 3. DEFINITIONS.**

14 For purposes of this Act:

15 (1) The term “Secretary” means the Secretary
16 of the Interior.

17 (2) The term “Yellowstone Protection Area”
18 means the area in Montana, Idaho, and Wyoming
19 identified on the map entitled “Yellowstone Protec-
20 tion Area”, numbered 20036, and dated May 1993,
21 and any modifications thereof as may be made under
22 section 7.

23 (3) The term “protected systems and features”
24 means the hydrothermal and geothermal systems

1 and hydrothermal and geothermal features associ-
2 ated with Yellowstone National Park.

3 (4) The term “regulated resources” means—

4 (A) geothermal steam and associated geo-
5 thermal resources, as defined in section 2(c) of
6 the Geothermal Steam Act of 1970 (30 U.S.C.
7 1001(c)); and

8 (B) hydrothermal resources.

9 (5) The term “geothermal well” means a well
10 or facility producing or intended to produce regu-
11 lated resources.

12 (6) The term “hydrothermal system” means a
13 groundwater system, including cold water recharge
14 and transmission and warm and hot water dis-
15 charge.

16 (7) The term “hydrothermal resources” means
17 groundwater with a temperature in excess of 59 de-
18 grees Fahrenheit and any other groundwater that,
19 on the basis of research pursuant to section 6, and,
20 in a State with an approved State program, pursu-
21 ant to the procedures in such approved State pro-
22 gram, is determined to have characteristics that in-
23 dicate it may be directly related to the protected sys-
24 tems and features.

1 (8) The term “approved State program” means
2 a program of Montana, Idaho, or Wyoming that has
3 been submitted to the Secretary and has been ap-
4 proved pursuant to this Act.

5 (9) The term “Compact” means the water
6 rights compact ratified in 1993 by the State of Mon-
7 tana through enactment of H.B. 692.

8 (10) Except as otherwise provided in this Act,
9 terms used in this Act shall have the same meaning
10 as in the Geothermal Steam Act of 1970.

11 **SEC. 4. RESTRICTION ON FEDERAL LANDS.**

12 The Geothermal Steam Act of 1970 (30 U.S.C. 1001
13 and following) is amended by adding at the end thereof
14 the following new section:

15 “SEC. 30. (a) The Congress hereby declares that—

16 “(1) Yellowstone National Park possesses nu-
17 merous hydrothermal and geothermal features, in-
18 cluding Old Faithful geyser and approximately
19 10,000 other geysers and hot springs, and warrants
20 designation as a significant thermal feature unto
21 itself;

22 “(2) the establishment of the Park in 1872 re-
23 served to the United States a water right which in-
24 cludes a right with respect to groundwater (includ-
25 ing the water in the hydrothermal system supporting

1 such features) necessary to preserve and protect
2 such features for the benefit of future generations;
3 and

4 “(3) Federal legislation is desirable to protect
5 these Federal water rights from possible injury or
6 damage.

7 “(b) The Congress hereby declares that any use of,
8 or production from, any existing geothermal well, as such
9 term is defined in section 3(5) of the Old Faithful Protec-
10 tion Act of 1993, or any exploration for, or development
11 of, any new geothermal well or any facility related to the
12 use of geothermal steam and associated geothermal re-
13 sources within the boundary of the Yellowstone Protection
14 Area, as defined in section 3(2) of the Old Faithful Pro-
15 tection Act of 1993, risks adverse effects on the hydro-
16 thermal and geothermal features of Yellowstone National
17 Park.

18 “(c) The Secretary shall not issue a lease under this
19 Act for lands within the boundary of the Yellowstone Pro-
20 tection Area, as defined in section 3(2) of the Old Faithful
21 Protection Act of 1993. Nothing in this section shall be
22 construed to either affect the ban on leasing referenced
23 under section 28(f) or to apply to any lands not owned
24 by the United States.”.

1 **SEC. 5. MORATORIUM ON OTHER LANDS.**

2 (a) PROHIBITION.—(1) Except as provided by sec-
3 tions 7 and 8 of this Act, there shall be no use (except
4 for monitoring by the Secretary or monitoring under an
5 approved State program) of, or production from, any ex-
6 isting geothermal well and no exploration for, or develop-
7 ment of, any new geothermal well or any other new facility
8 related to the use of regulated resources within the Yellow-
9 stone Protection Area.

10 (2) Nothing in this subsection shall be construed to
11 affect existing facilities other than geothermal wells.

12 (b) MANAGEMENT.—The Secretary shall review Na-
13 tional Park Service management of Yellowstone National
14 Park and shall take such steps as may be necessary to
15 protect the protected systems and features and the hydro-
16 thermal, geothermal, and groundwater resources of such
17 National Park free from injury or impairment.

18 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed to affect the ban or prohibitions
20 referenced under sections 28(f) and 30(c) of the Geo-
21 thermal Steam Act of 1970.

22 **SEC. 6. RESEARCH.**

23 (a) IN GENERAL.—The National Park Service, in
24 consultation with the Forest Service, the United States
25 Geological Survey, and each State agency implementing
26 an approved State program, shall research the characteris-

1 ties of the protected systems and features, inventory and
2 research the existing and potential effects (including cu-
3 mulative effects) of hydrothermal, geothermal, mineral, or
4 other resources development (including development of
5 groundwater other than regulated resources) on such sys-
6 tems and features, and periodically inform Congress con-
7 cerning the results of such inventory and research.

8 (b) UNDER STATE PROGRAM.—If an approved State
9 program provides for research described in subsection (a),
10 the Secretary, in cooperation with the relevant State, may
11 conduct such research in areas within and adjoining Yel-
12 lowstone National Park.

13 (c) NONINTRUSIVE METHODOLOGIES.—Except for
14 research within a National Park System unit approved by
15 the Secretary or elsewhere under a permit issued by a
16 State agency implementing an approved State program,
17 research pursuant to this section shall exclusively use
18 nonintrusive methodologies.

19 (d) LIMITATION.—Nothing in this Act shall be con-
20 strued as authorizing any activities within any unit of the
21 National Park System inconsistent with laws or policies
22 applicable to the relevant unit.

23 **SEC. 7. STATE MANAGEMENT PROGRAMS.**

24 (a) DEVELOPMENT.—The States of Montana, Wyo-
25 ming, and Idaho are encouraged to develop State pro-

1 grams for the management of regulated resources outside
2 of Yellowstone National Park to preserve and protect, free
3 from injury or impairment, the protected systems and
4 features.

5 (b) PERMIT.—As of the date of enactment of this
6 Act, no person shall engage in any use (including re-
7 search), production, exploration, or development of any
8 regulated resources on any land located within the Yellow-
9 stone Protection Area except to the extent authorized by
10 a permit issued by a State agency implementing an ap-
11 proved State program.

12 (c) STATE AUTHORITY.—(1) In the implementation
13 of an approved State program, a State may exercise the
14 authority to grant permits under subsection (b) for the
15 use (including research), production, exploration, or devel-
16 opment of any regulated resources within the Yellowstone
17 Protection Area.

18 (2) Notwithstanding any other provision of law, no
19 permit issued prior to the date of enactment of this Act
20 shall be deemed to have been issued in the implementation
21 of an approved State program, but in the event that after
22 the date of enactment of this Act the Secretary, on the
23 basis of research pursuant to section 6, determines that
24 groundwater with a temperature of 59 degrees Fahrenheit
25 or less has characteristics that indicate it may be directly

1 related to the protected systems and features, a permit
2 issued prior to such determination with respect to such
3 groundwater shall not be invalidated unless, pursuant to
4 the procedures in an approved State program it is deter-
5 mined that continued utilization of the groundwater cov-
6 ered by such permit would be inconsistent with the pur-
7 poses of this Act.

8 (3)(A) The Secretary shall monitor the implementa-
9 tion of an approved State program (including the State's
10 enforcement thereof) to assure consistency with the re-
11 quirements of this Act.

12 (B) The Secretary may suspend implementation of an
13 approved State program if such implementation (including
14 the State's enforcement thereof) is not being exercised in
15 a manner consistent with this Act. During any such sus-
16 pension, no permit granted under such program shall be
17 effective except to the extent the Secretary determines
18 that the permitted activities would be consistent with the
19 purposes of this Act.

20 (C) If an approved State program includes proce-
21 dures for the exercise of the Secretary's authority to sus-
22 pend such a program's implementation, the Secretary
23 shall follow such procedures.

24 (d) APPROVAL BY THE SECRETARY.—(1) The Sec-
25 retary may approve a program submitted by a State if

1 the Secretary determines that such program, when imple-
2 mented, will fulfill the purposes of this Act regarding the
3 protection of the protected systems and features.

4 (2) The Secretary shall not approve any State pro-
5 gram submitted under this section until the Secretary
6 has—

7 (A) solicited, publicly disclosed, and considered
8 the views of the heads of other State and Federal
9 agencies the Secretary determines are concerned
10 with the proposed State program;

11 (B) solicited, publicly disclosed, and considered
12 the views of the public; and

13 (C) found that the State has the necessary legal
14 authority and qualified personnel for the regulation
15 and management of regulated resources outside Yel-
16 lowstone National Park consistent with the require-
17 ments of this Act.

18 (3)(A) The Secretary may approve or disapprove a
19 program in whole or in part.

20 (B) If the Secretary disapproves any proposed State
21 program, in whole or in part, the Secretary shall notify
22 the State in writing of the decision and set forth in detail
23 the reasons therefor. The State may submit a revised
24 State program or portion thereof.

1 (4) The Secretary shall not approve any State pro-
2 gram that does not, at a minimum—

3 (A) include ongoing scientific review of restric-
4 tions, boundaries, and permits applicable to the de-
5 velopment of a regulated resource;

6 (B) require that, in conducting the scientific re-
7 view referred to in subparagraph (A) and in imple-
8 menting the State program, any doubt shall be re-
9 solved in favor of protection of the protected systems
10 and features;

11 (C) allow the State agency authorized to admin-
12 ister the program to reject recommendations based
13 on the scientific review referred to in subparagraph
14 (A), to the extent such rejection is necessary to
15 guarantee no adverse effect on the hydrothermal sys-
16 tem within Yellowstone National Park; and

17 (D) enable citizens of such State to obtain judi-
18 cial review of actions taken by the State agency im-
19 plementing the program to the extent necessary to
20 assure that such actions are consistent with all ap-
21 plicable law, including this Act.

22 (e) SCOPE.—Except to the extent an approved State
23 program is being implemented by a State, section 5(a) of
24 this Act shall apply to the Yellowstone Protection Area.

1 (f) MODIFICATION OF YELLOWSTONE PROTECTION
2 AREA.—(1) The boundaries of the Yellowstone Protection
3 Area in a State may be modified pursuant to an approved
4 State program to the extent such modification is approved
5 by the Secretary.

6 (2) The Secretary shall not approve any such modi-
7 fication that the Secretary finds would not be consistent
8 with the purposes of this Act.

9 (3) The Secretary shall revise the map of the Yellow-
10 stone Protection Area to reflect any approved boundary
11 modifications.

12 (4) If an approved State program includes procedures
13 for the exercise of the Secretary's authority to approve
14 modifications of the boundaries of the Yellowstone Protec-
15 tion Area, the Secretary shall follow such procedures.

16 (g) COOPERATIVE AGREEMENTS.—The Secretary is
17 authorized to enter into cooperative agreements with the
18 States of Montana, Idaho, and Wyoming and with the Sec-
19 retary of Agriculture to fulfill the purposes of this Act.

20 (h) FEDERAL FINANCIAL ASSISTANCE.—(1) Subject
21 to appropriation, the Secretary may provide financial as-
22 sistance for the implementation of an approved State pro-
23 gram. In providing such assistance, the Secretary may
24 enter into appropriate funding agreements, including
25 grants and cooperative agreements, with a State agency

1 or agencies, upon such terms and conditions as the Sec-
2 retary deems appropriate.

3 (2) A recipient State may invest funds provided
4 under this subsection so long as such funds, together with
5 interest and any other earnings thereon, shall be available
6 for use by the State only under the terms and conditions
7 of the approved State program and an agreement entered
8 into with the Secretary under this subsection and shall
9 not be used by the State for any other purpose.

10 **SEC. 8. MONTANA PROGRAM.**

11 (a) APPROVAL.—(1) The Congress finds that Article
12 IV of the compact, when implemented, will fulfill the pur-
13 poses of this Act regarding the protection of the protected
14 systems and features.

15 (2) All provisions of section 7 are applicable to this
16 section, except for purposes of section 7(d)(1) the Com-
17 pact shall be deemed to have been submitted to the Sec-
18 retary, and, notwithstanding sections 7(d)(2), 7(d)(3), and
19 7(d)(4), once signed by the Secretary and the Attorney
20 General of the United States, Article IV thereof shall be
21 considered an approved State program for regulation of
22 groundwater resources, including the hydrothermal re-
23 sources within the Montana portion of the Yellowstone
24 Protection Area. Article IV of the Compact shall not be
25 considered an approved State program for the manage-

1 ment of regulated resources within the Montana portion
 2 of the Yellowstone protection area other than groundwater
 3 resources.

4 (b) SCOPE.—Nothing in this Act shall be construed
 5 as amending the Compact or as altering its status in rela-
 6 tionship to any litigation with regard to water rights.

7 (c) REVIEW PROCEDURES.—For purposes of sections
 8 7(c)(3)(B), 7(c)(3)(C), 7(f)(1), and 7(f)(2), the provisions
 9 of the Compact with respect to—

10 (1) review of administrative decisions under Ar-
 11 ticle IV of the Compact;

12 (2) enforcement of the Compact;

13 (3) the discretion of any party to the Compact
 14 to withdraw therefrom; and

15 (4) modification of boundaries and restrictions
 16 within the Controlled Groundwater Area,

17 shall be deemed to be procedures for the exercise of the
 18 Secretary's authority to approve modifications of the
 19 boundaries of the Yellowstone Protection Area or to sus-
 20 pend the implementation of an approved State program.

21 **SEC. 9. IDAHO PROGRAM.**

22 For purposes of section 7(d)(1), the provisions of
 23 Section 42 of the Idaho Code related to geothermal re-
 24 sources shall be deemed to have been submitted to the Sec-
 25 retary for approval as an approved State program.

1 **SEC. 10. WYOMING PROGRAM.**

2 For purposes of section 7(d)(1), the provisions of the
3 laws of the State of Wyoming referenced in the letter from
4 the Wyoming State Engineer included in the Committee
5 report to accompany H.R. 1137 of the 103rd Congress
6 shall be deemed to have been submitted to the Secretary
7 for approval as an approved State program.

8 **SEC. 11. CITIZEN SUITS.**

9 ~~(a) IN GENERAL.—~~(1) Any person may commence a
10 civil suit on the person's own behalf to enjoin any party,
11 including the United States, except for a State or agency
12 or political subdivision thereof, that the plaintiff alleges—

13 ~~(A) is in violation of any provision of this Act;~~

14 ~~or~~

15 ~~(B) is using a regulated resource in the absence~~
16 ~~of, or beyond the scope of the terms or conditions~~
17 ~~of, a permit issued pursuant to an approved State~~
18 ~~program, or in violation of regulations issued under~~
19 ~~the authority of an approved State program.~~

20 ~~(2) The Federal district courts shall have jurisdiction,~~
21 ~~without regard to the amount in controversy or the citizen-~~
22 ~~ship of the parties—~~

23 ~~(A) to require the Secretary or another party to~~
24 ~~take any steps required or permitted by this Act, if~~
25 ~~those steps are necessary to fulfill the purposes of~~
26 ~~this Act; or~~

1 ~~(B)~~ to enforce the provisions, prohibitions, per-
2 mits, or regulations of an approved State program.

3 ~~(b) VENUE AND INTERVENTION.—~~(1) Any suit under
4 this section may be brought in any appropriate judicial
5 district.

6 ~~(2)~~ In any such suit under this section in which the
7 United States is not a party, the Attorney General of the
8 United States, at the request of the Secretary, may inter-
9 vene on behalf of the United States as a matter of right.

10 ~~(c) COSTS.—~~The court, in issuing any final order in
11 any suit brought under this section, may award costs of
12 litigation (including reasonable attorney and expert wit-
13 ness fees) to any party, whenever the court determines
14 such award is appropriate.

15 ~~(d) NONEXCLUSIVE RELIEF.—~~The injunctive relief
16 provided by this subsection shall not restrict any right
17 which any person (or class of persons) may have under
18 any statute or common law to seek judicial review of ac-
19 tions taken by the State agency implementing an approved
20 State program or to seek enforcement of any standard or
21 limitation or to seek any other relief including relief
22 against the Secretary.

23 ~~(e) NOTICE.—~~Before seeking the injunctive relief au-
24 thorized under this section, notice of intent to sue shall
25 be given to the Secretary, the State agency implementing

1 any relevant approved State program described in section
2 7, and each intended defendant. Such notice shall allow
3 the minimum period of time necessary for an intended de-
4 fendant to take those measures that (1) will cure any al-
5 leged violations of this Act, or (2) will end any alleged
6 improper use of regulated resources, as described in sub-
7 section (a)(1)(B).

8 **SEC. 12. JUDICIAL REVIEW.**

9 (a) ADMINISTRATIVE PROCEDURES.—Except as pro-
10 vided in this section, any Federal agency action or failure
11 to act to implement or enforce this Act shall be subject
12 to judicial review in accordance with and to the extent pro-
13 vided by chapter 7 of title 5, United States Code.

14 (b) REMEDY.—The sole remedy available to any per-
15 son claiming deprivation of a vested property right by en-
16 actment of this Act or Federal action pursuant to this Act
17 shall be an action for monetary damages, filed pursuant
18 to sections 1491 or 1505 of title 28, United States Code,
19 in the Court of Federal Claims. Any just compensation
20 awards determined by the Court of Federal Claims to be
21 due to a claimant shall be paid consistent with section
22 2517 of such title.

1 **SEC. 13. REGULATIONS.**

2 No later than two years after the date of enactment
3 of this Act, the Secretary shall promulgate such rules and
4 regulations as are necessary to implement this Act.

5 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated such sums
7 as may be necessary to carry out this Act.

8 **SEC. 15. SCOPE OF ACT.**

9 Nothing in this Act shall be construed as increasing
10 or diminishing any rights of the United States with re-
11 spect to water, or as affecting any previous adjudication
12 of or any agreement concerning any such rights.

13 ***TITLE I—OLD FAITHFUL PROTECTION ACT***

14 ***SECTION 101. SHORT TITLE.***

15 *This title may be cited as the “Old Faithful Protection*
16 *Act of 1994”.*

17 ***SEC. 102. FINDINGS AND PURPOSES.***

18 *(a) FINDINGS.—The Congress finds that—*

19 *(1) Yellowstone National Park is a unique and*
20 *irreplaceable national and international treasure and*
21 *part of one of the few remaining undisturbed hydro-*
22 *thermal systems in the world;*

23 *(2) there is a risk that unrestricted hydrothermal*
24 *or geothermal resource development adjacent to Yel-*
25 *lowstone National Park in the State of Montana will*
26 *interfere with or adversely affect the hydrothermal*

1 *and geothermal features of such Park or the manage-*
2 *ment of relevant mineral resources;*

3 *(3) further research is needed to understand the*
4 *characteristics of the thermal systems and features*
5 *and the effects of development on such systems and*
6 *features on lands outside of Yellowstone National*
7 *Park but within the Yellowstone Protection Area, as*
8 *such area is defined in this title;*

9 *(4) preservation and protection of the thermal*
10 *system associated with and the features within Yel-*
11 *lowstone National Park is a benefit to the people of*
12 *the United States and the world;*

13 *(5) cooperation between the United States and*
14 *the State of Montana to protect and preserve Yellow-*
15 *stone National Park is desirable; and*

16 *(6) as a settlement of litigation concerning water*
17 *rights, including the reserved water rights of the*
18 *United States associated with units of the National*
19 *Park System in Montana, the Department of the Inte-*
20 *rior and the Department of Justice, on behalf of the*
21 *United States, and a Compact Commission, on behalf*
22 *of the State of Montana, have developed a Compact*
23 *that constitutes such a settlement of litigation con-*
24 *cerning matters within its scope and which, in Article*
25 *IV, establishes a program for regulation of develop-*

1 *ment and use of groundwater in areas adjacent to*
2 *Yellowstone National Park.*

3 *(b) PURPOSES.—The purposes of this title are—*

4 *(1) to require the Secretary to take the necessary*
5 *actions to preserve and protect the thermal systems*
6 *and features of Yellowstone National Park;*

7 *(2) to provide a framework for management by*
8 *the State of Montana of regulated resources within the*
9 *Yellowstone Protection Area outside of but directly re-*
10 *lated to Yellowstone National Park to preserve and*
11 *protect the thermal systems and features of Yellow-*
12 *stone National Park;*

13 *(3) to authorize, as provided in section 8, ap-*
14 *proval of Article IV of the Compact as an appropriate*
15 *State program;*

16 *(4) to require relevant research; and*

17 *(5) to authorize to be appropriated, as provided*
18 *in section 111, necessary sums.*

19 **SEC. 103. DEFINITIONS.**

20 *For purposes of this title:*

21 *(1) The term “Secretary” means the Secretary of*
22 *the Interior except as otherwise provided.*

23 *(2) The term “Yellowstone Protection Area”*
24 *means the area in Montana identified on the map en-*
25 *titled “Yellowstone Protection Area”, numbered*

1 20036B, and dated September 1994, and any modi-
2 fications thereof as may be made under section 107.

3 (3) The term “thermal systems and features”
4 means the hydrothermal and geothermal systems and
5 features of Yellowstone National Park associated with
6 the regulated resources within the Yellowstone Protec-
7 tion Area.

8 (4) The term “regulated resources” means—

9 (A) geothermal steam and associated geo-
10 thermal resources, as defined in section 2(c) of
11 the Geothermal Steam Act of 1970 (30 U.S.C.
12 1001(c)); or

13 (B) groundwater with a temperature in ex-
14 cess of 59 degrees Fahrenheit.

15 (5) The term “well” means a well or facility pro-
16 ducing or intended to produce regulated resources but
17 excludes facilities that would do no more than utilize
18 the natural unenhanced surface flow of a natural
19 spring.

20 (6) The term “approved State program” means
21 the program of Montana approved pursuant to this
22 title.

23 (7) The term “Compact” means the water rights
24 compact entered into by the United States and the
25 State of Montana on January 31, 1994.

1 (8) *Except as otherwise provided in this title,*
2 *terms used in this title shall have the same meaning*
3 *as in the Geothermal Steam Act of 1970.*

4 **SEC. 104. RESTRICTION ON FEDERAL LANDS.**

5 (a) *The Congress hereby declares that—*

6 (1) *Yellowstone National Park possesses numer-*
7 *ous thermal features, including Old Faithful geyser*
8 *and approximately 10,000 other geysers and hot*
9 *springs, and is hereby designated as a significant*
10 *thermal feature unto itself; and*

11 (2) *Federal legislation is desirable to preserve*
12 *and protect these features.*

13 (b) *The Congress hereby declares that any use of, or*
14 *production from, any existing well, or any exploration for,*
15 *or development of, any new well within the boundary of*
16 *the Yellowstone Protection Area, as defined in section*
17 *103(2) of the Old Faithful Protection Act of 1994, risks ad-*
18 *verse effects on the thermal features of Yellowstone National*
19 *Park.*

20 (c) *Notwithstanding any other provision of law, the*
21 *Secretary shall not issue any geothermal lease pursuant to*
22 *the Geothermal Steam Act (30 U.S.C. 1001 and following)*
23 *for lands within the boundary of the Yellowstone Protection*
24 *Area. Nothing in this section shall be construed to apply*
25 *to any lands not owned by the United States.*

1 **SEC. 105. MORATORIUM ON LANDS WITHIN THE YELLOW-**
2 **STONE PROTECTION AREA.**

3 (a) *PROHIBITION.*—Except as provided by sections 107
4 and 108 of this title, there shall be no use (except for mon-
5 itoring by the Secretary or monitoring under the approved
6 State program) of, or production from, any existing well
7 and no exploration for, or development of, any new well
8 within the Yellowstone Protection Area.

9 (b) *MANAGEMENT.*—The Secretary shall review Na-
10 tional Park Service management of Yellowstone National
11 Park and shall take such steps as may be necessary to pro-
12 tect and preserve the thermal systems and features of such
13 National Park.

14 **SEC. 106. RESEARCH.**

15 (a) *IN GENERAL.*—The National Park Service, in con-
16 sultation with the Forest Service, the United States Geologi-
17 cal Survey, and each State agency implementing an ap-
18 proved State program, shall research the characteristics of
19 the thermal systems and features within the Yellowstone
20 Protection Area, inventory and research the existing and
21 potential effects (including cumulative effects) of hydro-
22 thermal or geothermal development on such systems and
23 features, and periodically, but not less than once every five
24 years, inform Congress concerning the results of such inven-
25 tory and research.

1 (b) *UNDER STATE PROGRAM.*—If the approved State
 2 program provides for research described in subsection (a),
 3 both the Secretary and the relevant State may conduct such
 4 research within the Yellowstone Protection Area.

5 (c) *NONINTRUSIVE METHODOLOGIES.*—Except for re-
 6 search within a National Park System unit within the Yel-
 7 lowstone Protection Area approved by the Secretary or else-
 8 where under a permit issued by a State agency implement-
 9 ing the approved State program, research pursuant to this
 10 section shall exclusively use nonintrusive methodologies.

11 (d) *LIMITATION.*—Nothing in this title shall be con-
 12 strued as authorizing any activities within any unit of the
 13 National Park System in the Yellowstone Protection Area
 14 inconsistent with laws or policies applicable to the relevant
 15 unit.

16 **SEC. 107. STATE MANAGEMENT PROGRAMS.**

17 (a) *DEVELOPMENT.*—The State of Montana is encour-
 18 aged to develop and maintain State programs for the man-
 19 agement of regulated resources outside of Yellowstone Na-
 20 tional Park to preserve and protect the thermal systems and
 21 features of Yellowstone National Park.

22 (b) *PERMIT.*—Except as provided for in section 106,
 23 as of the date of enactment of this title, no person shall
 24 engage in any use (including research), production, explo-
 25 ration, or development of any regulated resources on non-

1 *Federal lands within the Yellowstone Protection Area except*
2 *to the extent authorized by a permit issued by a State agen-*
3 *cy implementing the approved State program.*

4 *(c) STATE AUTHORITY.—(1) In the implementation of*
5 *an approved State program, the State of Montana may ex-*
6 *ercise the authority to grant permits under subsection (b)*
7 *for the use (including research), production, exploration, or*
8 *development of any regulated resources within the Yellow-*
9 *stone Protection Area.*

10 *(2) Notwithstanding any other provision of law, no*
11 *permit within the Yellowstone Protection Area for regulated*
12 *resources issued prior to January 31, 1994 shall be deemed*
13 *to have been issued in the implementation of an approved*
14 *State program.*

15 *(3)(A) The Secretary shall monitor the implementation*
16 *of the approved State program (including the State's en-*
17 *forcement thereof) to assure consistency with the require-*
18 *ments of this title.*

19 *(B) The Secretary may suspend implementation of the*
20 *approved State program if such implementation (including*
21 *the State's enforcement thereof) is not being exercised in a*
22 *manner consistent with this title. During any such suspen-*
23 *sion, no permit granted under such program shall be effec-*
24 *tive except to the extent the Secretary determines that the*

1 *permitted activities would be consistent with the purposes*
2 *of this title.*

3 *(C) If the approved State program includes procedures*
4 *for the exercise of the Secretary's authority to suspend such*
5 *a program's implementation, the Secretary shall follow such*
6 *procedures. If no such procedures are included in a State*
7 *program, the Secretary shall provide notice and a reason-*
8 *able time to comply with this title.*

9 *(d) SCOPE.—Except to the extent an approved State*
10 *program is being implemented by a State, section 105(a)*
11 *of this title shall apply to the Yellowstone Protection Area.*

12 *(e) MODIFICATION OF YELLOWSTONE PROTECTION*
13 *AREA.—(1) The boundaries of the Yellowstone Protection*
14 *Area in the State of Montana may be modified pursuant*
15 *to the approved State program if such modification is ap-*
16 *proved by the Secretary.*

17 *(2) The Secretary shall not approve any such modi-*
18 *fication that the Secretary finds would not be consistent*
19 *with the purposes of this title or includes any area outside*
20 *the State of Montana.*

21 *(3) The Secretary shall revise the map of the Yellow-*
22 *stone Protection Area to reflect any approved boundary*
23 *modifications.*

24 *(4) If the approved State program includes procedures*
25 *for the exercise of the Secretary's authority to approve*

1 *modifications of the boundaries of the Yellowstone Protec-*
 2 *tion Area, the Secretary shall follow such procedures.*

3 *(f) COOPERATIVE AGREEMENTS.—The Secretary is au-*
 4 *thorized to enter into cooperative agreements with the State*
 5 *of Montana and with the Secretary of Agriculture to fulfill*
 6 *the purposes of this title.*

7 *(g) FEDERAL FINANCIAL ASSISTANCE.—(1) Subject to*
 8 *appropriation, the Secretary may provide financial assist-*
 9 *ance for the implementation of the approved State program.*
 10 *In providing such assistance, the Secretary may enter into*
 11 *appropriate funding agreements, including grants and co-*
 12 *operative agreements, with a State agency or agencies, upon*
 13 *such terms and conditions as the Secretary deems appro-*
 14 *priate.*

15 *(2) The State of Montana may invest funds provided*
 16 *under this subsection so long as such funds, together with*
 17 *interest and any other earnings thereon, shall be available*
 18 *for use by the State only under the terms and conditions*
 19 *of the approved State program and an agreement entered*
 20 *into with the Secretary under this subsection and shall not*
 21 *be used by the State for any other purpose.*

22 **SEC. 108. MONTANA PROGRAM.**

23 *(a) APPROVAL.—(1) The Congress finds that Article IV*
 24 *of the Compact fulfills the purposes of this title regarding*

1 *the protection of the thermal systems and features of Yellow-*
 2 *stone National Park.*

3 *(2) All provisions of section 107 are applicable to this*
 4 *section, except that the Compact shall be deemed to have*
 5 *been submitted to the Secretary and Article IV thereof shall*
 6 *be considered an approved State program for regulation of*
 7 *groundwater resources within the Yellowstone Protection*
 8 *Area.*

9 *(b) SCOPE.—Nothing in this title shall be construed*
 10 *as amending the Compact or as altering its status in rela-*
 11 *tionship to any litigation with regard to water rights.*

12 *(c) REVIEW PROCEDURES.—For purposes of sections*
 13 *107(c)(3)(B), 107(c)(3)(C), 107(e)(1), and 107(e)(2), the*
 14 *provisions of the Compact with respect to—*

15 *(1) review of administrative decisions under Ar-*
 16 *ticle IV of the Compact;*

17 *(2) enforcement of the Compact;*

18 *(3) the discretion of any party to the Compact*
 19 *to withdraw therefrom; and*

20 *(4) modification of boundaries and restrictions*
 21 *within the Controlled Groundwater Area, shall be*
 22 *deemed to be procedures for the exercise of the Sec-*
 23 *retary's authority to approve modifications of the*
 24 *boundaries of the Yellowstone Protection Area or to*

1 *suspend the implementation of an approved State*
2 *program.*

3 **SEC. 109. JUDICIAL REVIEW.**

4 (a) *ADMINISTRATIVE PROCEDURES.*—*Except as pro-*
5 *vided in this section, any Federal agency action or failure*
6 *to act to implement or enforcement this title shall be subject*
7 *to judicial review in accordance with and to the extent pro-*
8 *vided by chapter 7 of title 5, United States Code.*

9 (b) *REMEDY.*—*The sole remedy available to any person*
10 *claiming deprivation of a vested property right by enact-*
11 *ment of this title or Federal action pursuant to this title*
12 *shall be an action for monetary damages, filed pursuant*
13 *to sections 1491 or 1505 of title 28, United States Code,*
14 *in the Court of Federal Claims. Any just compensation*
15 *awards determined by the Court of Federal Claims to be*
16 *due to a claimant shall be paid consistent with section 2517*
17 *of such title.*

18 **SEC. 110. REGULATIONS.**

19 *No later than two years after the date of enactment*
20 *of this title, the Secretary shall promulgate such rules and*
21 *regulations as are necessary to implement this title.*

22 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS.**

23 *There are authorized to be appropriated such sums as*
24 *may be necessary to carry out this title.*

1 **SEC. 112. SCOPE OF TITLE.**

2 *Nothing in this title shall be construed as increasing*
 3 *or diminishing any rights of the United States with respect*
 4 *to water, or as affecting any previous adjudication of or*
 5 *any agreement concerning any such rights.*

6 **SEC. 113. LAND EXCHANGE.**

7 *(a) GENERAL.—Notwithstanding any other provision*
 8 *of law and subject to the provisions of this title, the Sec-*
 9 *retary of Agriculture shall acquire by exchange certain*
 10 *lands and interests in lands owned by the Church Universal*
 11 *and Triumphant, its successors and assigns (referred to in*
 12 *this title as “the Church”), located in the Yellowstone Con-*
 13 *trolled Groundwater Area and Corwin Springs Known Geo-*
 14 *thermal Resource Area of the Gallatin National Forest.*

15 *(b) OFFER AND ACCEPTANCE OF LAND AND INTEREST*
 16 *IN LAND.—*

17 *(1) NON-FEDERAL LANDS AND INTERESTS.—If*
 18 *the Church offers—*

19 *(A) title that is acceptable to the United*
 20 *States to all rights, title, and interests to ap-*
 21 *proximately 26 acres of land owned by the*
 22 *Church as depicted on the maps entitled*
 23 *“Church/Forest Service Land Exchange Pro-*
 24 *posal”, dated July 1994;*

25 *(B) all right, title and interest to the sub-*
 26 *surface regulated resources estate on all Church*

1 *properties within the Yellowstone Controlled*
2 *Groundwater Area;*

3 *(C) a perpetual public access road and util-*
4 *ity easement of 60 feet in width, plus allowance*
5 *for cuts and fills, over Church property to the*
6 *Gallatin National Forest lands in the Cutler*
7 *Homestead/Sentinel Butte area, as depicted on*
8 *the maps referenced in paragraph (b)(1)(A); and*

9 *(D) other rights and covenants in accord-*
10 *ance with the terms of the “Church/Forest Serv-*
11 *ice Land Exchange Specifications” document*
12 *prepared pursuant to paragraph (b)(3);*

13 *the Secretary of Agriculture shall accept a warranty*
14 *deed to the land specified in paragraph (b)(1)(A), a*
15 *special warranty deed to the regulated resources speci-*
16 *fied in paragraph (b)(1)(B), State water rights trans-*
17 *fer documents, and any other such instruments as*
18 *may be necessary to transfer the above referenced*
19 *property interests.*

20 *(2) FEDERAL LAND AND INTERESTS.—*

21 *(A) GENERAL.—Upon acceptance by the*
22 *Secretary of Agriculture of title to the lands, in-*
23 *terests, and rights and covenants offered by the*
24 *Church pursuant to paragraph (b)(1)—*

1 (i) the Secretary, upon request by the
2 Secretary of Agriculture, shall convey by
3 patent to the Church, subject to all valid ex-
4 isting rights, and a reservation to the
5 United States of all regulated resources, title
6 to approximately 11 acres within the Gal-
7 latin National Forest, as depicted on the
8 map referenced in paragraph (b)(3);

9 (ii) the Secretary of Agriculture shall
10 convey an easement to the Church granting
11 the right to collect and transport across
12 Federal lands the natural unenhanced sur-
13 face flow at LaDuke Hot Springs from its
14 source to the east bank of the Yellowstone
15 River as depicted on the maps referenced in
16 paragraph (b)(1), and the United States
17 shall withdraw all of its water rights claims
18 and objections filed with regard to LaDuke
19 Hot Springs in pending water rights adju-
20 dications under Federal and State law;

21 (iii) the Secretary shall grant to the
22 Church standard Forest Service rights-of-
23 way authorizations for existing roads across
24 National Forest System land as generally
25 depicted on the maps referenced in para-

1 *graph (b)(1) and further defined by the doc-*
2 *ument referenced in paragraph (b)(1)(A);*
3 *and*

4 *(iv) the Secretary shall grant to the*
5 *Church other rights and covenants in ac-*
6 *cordance with the terms of the “Church/For-*
7 *est Service Land Exchange Specifications”*
8 *document pursuant to paragraph (b)(3).*

9 *(B) SURVEYS.—Surveys prepared to stand-*
10 *ards approved by the Secretary shall be fur-*
11 *nished by the Church for the affected Federal and*
12 *non-Federal lands and surface interests prior to*
13 *conveyance of the Federal lands and interests in*
14 *this exchange.*

15 *(3) AGREEMENT.—The document entitled*
16 *“Church/Forest Service Land Exchange Specifica-*
17 *tions,” jointly developed and agreed to by both par-*
18 *ties, shall define the non-Federal and Federal lands*
19 *and interests involved in this exchange, including*
20 *legal descriptions of lands and interests, and other*
21 *terms, conditions, and covenants, but shall not in-*
22 *clude any minimum surface flow requirements to the*
23 *Yellowstone River from LaDuke Hot Springs. Such*
24 *document, upon completion, shall be transmitted to*
25 *the Committee on Energy and Natural Resources of*

1 *the United States Senate and the Committee on Natu-*
2 *ral Resources of the United States House of Rep-*
3 *resentatives and shall not take effect until 60 days*
4 *after receipt by both Committees.*

5 *(c) TITLE.—*

6 *(1) REVIEW OF TITLE.—Within ninety days of*
7 *receipt of the approved surveys and title documents*
8 *from the Church, the Secretary shall review the title*
9 *for the non-Federal lands described in subsection (b)*
10 *and determine whether—*

11 *(A) the applicable title standards for Fed-*
12 *eral land acquisition have been satisfied subject*
13 *to any variances expressly contained in this*
14 *title; and*

15 *(B) all draft conveyances and closing docu-*
16 *ments have been received and approved.*

17 *(2) CONVEYANCE OF TITLE.—In the event the*
18 *quality of title does not meet Federal standards or is*
19 *otherwise unacceptable to the Secretary, the Secretary*
20 *shall advise the Church regarding corrective actions*
21 *necessary to cure title defects. The conveyance of lands*
22 *to the Church described in paragraph (b)(2)(A) shall*
23 *be completed not later than ninety days after the Sec-*
24 *retary has approved title.*

1 **SEC. 114. GENERAL PROVISIONS.**

2 (a) *MAPS AND DOCUMENTS.*—The maps referred to in
 3 section 113 are subject to corrections for any technical er-
 4 rors in describing the properties. The maps and documents
 5 described in section 113(b)(1) and 113(b)(3) shall be on file
 6 and available for public inspection in the Office of the Chief
 7 of the Forest Service, in Washington, D.C.

8 (b) *NATIONAL FOREST SYSTEM LANDS.*—All lands
 9 and interests in lands conveyed to the United States under
 10 this title shall be administered in accordance with the laws
 11 and regulations pertaining to the National Forest System.

12 (c) *VALUATION.*—The value of the lands and interests
 13 in lands to be exchanged under this title and described in
 14 section 113(b) are deemed to be equal, and therefore, no ap-
 15 praisals shall be required.

16 **TITLE II—LOST CREEK LAND EXCHANGE**

17 **SEC. 201. SHORT TITLE.**

18 This title may be cited as the “Lost Creek Land Ex-
 19 change Act of 1994”.

20 **SEC. 202. LAND EXCHANGE.**

21 (a) *GENERAL.*—Notwithstanding any other provision
 22 of law, the Secretary of Agriculture (hereinafter referred to
 23 in this title as the “Secretary”) is authorized and directed
 24 to acquire by exchange certain lands and interests in lands
 25 owned by the Brand S Corporation, its successors and as-
 26 signs (hereinafter referred to in this title as the “Corpora-

1 *tion”), located in the Lost Creek area of the Deerlodge Na-*
2 *tional Forest and within the Gallatin National Forest.*

3 *(b) OFFER AND ACCEPTANCE OF LAND.—*

4 *(1) NON-FEDERAL LAND.—If the Corporation of-*
5 *fers to convey to the United States fee title that is ac-*
6 *ceptable to the United States to approximately 18,300*
7 *acres of land owned by the Corporation and available*
8 *for exchange, as depicted on the maps entitled “Brand*
9 *S/Forest Service Land Exchange Proposal,” numbered*
10 *1 through 3, dated March 1994, and described in the*
11 *“Land Exchange Specifications” document pursuant*
12 *to paragraph (b)(3), the Secretary shall accept a war-*
13 *ranty deed to such lands.*

14 *(2) FEDERAL LAND.—Upon acceptance by the*
15 *Secretary of title to the Corporation’s lands pursuant*
16 *to paragraph (b)(1) and upon the effective date of the*
17 *document referred to in paragraph (b)(3), and subject*
18 *to valid existing rights, the Secretary of the Interior*
19 *shall convey, by patent, the fee title to approximately*
20 *10,800 acres on the Deerlodge and Gallatin National*
21 *Forests, and by timber deed, the right to harvest ap-*
22 *proximately 3.5 million board feet of timber on cer-*
23 *tain Deerlodge National Forest lands, as depicted on*
24 *the maps referenced in paragraph (b)(1) and further*
25 *defined by the document referenced in paragraph*

1 (b)(3): *Provided, That, except for the east 1/2 of sec.*
2 *10, T3S R8E, the Secretary shall not convey to the*
3 *Corporation the lands on the Gallatin National For-*
4 *est identified as the "Wineglass Tract" on the map*
5 *entitled "Wineglass Tract," dated September 1994,*
6 *unless the Secretary finds that measures are in place*
7 *to protect the scenic, wildlife, and open space values*
8 *of the Wineglass Tract. Such finding shall be con-*
9 *tained in the document referenced in paragraph*
10 *(b)(3).*

11 (3) *AGREEMENT.*—*A document entitled "Brand*
12 *S/Forest Service Land Exchange Specifications,"*
13 *shall be jointly developed and agreed to by the Cor-*
14 *poration and the Secretary. Such document shall de-*
15 *fine the non-Federal and Federal lands to be ex-*
16 *changed, and shall include legal descriptions of such*
17 *lands and interests therein, along with any other*
18 *agreements. Such document shall be transmitted,*
19 *upon completion, to the Committee on Energy and*
20 *Natural Resources of the United States Senate and*
21 *the Committee on Natural Resources of the United*
22 *States House of Representatives and shall not take ef-*
23 *fect until 60 days after transmittal to both Commit-*
24 *tees.*

1 (4) *CONFLICT.*—*In case of conflict between the*
2 *maps referenced in paragraph (b)(1) and the docu-*
3 *ment referenced in paragraph (b)(3), the maps shall*
4 *govern.*

5 (c) *TITLE.*—

6 (1) *REVIEW OF TITLE.*—*Within sixty days of re-*
7 *ceipt of title documents from the Corporation, the Sec-*
8 *retary shall review the title for the non-Federal lands*
9 *described in paragraph (b) and determine whether—*

10 (A) *applicable title standards for Federal*
11 *land acquisition have been satisfied or the qual-*
12 *ity of title is otherwise acceptable to the Sec-*
13 *retary;*

14 (B) *all draft conveyances and closing docu-*
15 *ments have been received and approved;*

16 (C) *a current title commitment verifying*
17 *compliance with applicable title standards has*
18 *been issued to the Secretary; and*

19 (D) *the Corporation has complied with the*
20 *conditions imposed by this title.*

21 (2) *CONVEYANCE OF TITLE.*—*In the event the*
22 *title does not meet Federal standards or is otherwise*
23 *unacceptable to the Secretary, the Secretary shall ad-*
24 *vice the Corporation regarding corrective actions nec-*
25 *essary to make an affirmative determination. The*

1 *Secretary, acting through the Secretary of the Inte-*
 2 *rior, shall effect the conveyance of lands described in*
 3 *paragraph (b)(2) not later than ninety days after the*
 4 *Secretary has made an affirmative determination.*

5 *(d) RESOLUTION OF PUBLIC ACCESS.—The Secretary*
 6 *is directed, in accordance with existing law, to improve*
 7 *legal public access to Gallatin National Forest System*
 8 *lands between West Pine Creek and Big Creek.*

9 **SEC. 203. GENERAL PROVISIONS.**

10 *(a) MAPS AND DOCUMENTS.—The maps referred to in*
 11 *section 202(b)(1) shall be subject to such minor corrections*
 12 *as may be agreed upon by the Secretary and the Corpora-*
 13 *tion. The maps and document described in section 202(b)*
 14 *(1) and (3) shall be on file and available for public inspec-*
 15 *tion in the appropriate offices of the Forest Service.*

16 *(b) NATIONAL FOREST SYSTEM LANDS.—*

17 *(1) IN GENERAL.—All lands conveyed to the*
 18 *United States under this title shall be added to and*
 19 *administered as part of the Deerlodge or Gallatin Na-*
 20 *tional Forests, as appropriate, and shall be adminis-*
 21 *tered by the Secretary in accordance with the laws*
 22 *and regulations pertaining to the National Forest*
 23 *System.*

24 *(2) WILDERNESS STUDY AREA ACQUISITIONS.—*
 25 *Until Congress determines otherwise, lands acquired*

1 *within the Hyalite-Porcupine-Buffalo Horn Wilder-*
2 *ness Study Area pursuant to this title shall be man-*
3 *aged by the Secretary of Agriculture and the Sec-*
4 *retary of the Interior, as appropriate, so as to main-*
5 *tain the presently existing wilderness character and*
6 *potential for inclusion in the National Wilderness*
7 *Preservation System.*

8 (c) *VALUATION.—The values of the lands and interests*
9 *in lands to be exchanged under this title and described in*
10 *section 202(b) are deemed to be of approximately equal*
11 *value.*

12 (d) *LIABILITY FOR HAZARDOUS SUBSTANCES.—*

13 (1) *The Secretary shall not acquire any lands*
14 *under this title if the Secretary determines that such*
15 *lands, or any portion thereof, have become contami-*
16 *nated with hazardous substances (as defined in the*
17 *Comprehensive Environmental Response, Compensa-*
18 *tion, and Liability Act (42 U.S.C. 9601)).*

19 (2) *Notwithstanding any other provision of law,*
20 *the United States shall have no responsibility or li-*
21 *ability with respect to any hazardous wastes or other*
22 *substances placed on any of the lands covered by this*
23 *title after their transfer to the ownership of another*
24 *party, but nothing in this title shall be construed as*
25 *either diminishing or increasing any responsibility or*

1 *liability of the United States based on the condition*
2 *of such lands on the date of their transfer to the own-*
3 *ership of another party.*

Amend the title so as to read: “An Act to approve the Montana Water Rights Compact as a State program for the regulation of groundwater adjacent to Yellowstone National Park, and for other purposes.”.

Passed the House of Representatives November 15, 1993.

Attest: DONNALD K. ANDERSON,
Clerk.

HR 1137 RS—2

HR 1137 RS—3